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## **ENVIRONMENTAL QUALITY SERVICE COUNCIL**

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### **TRIENNIAL REVIEW AND AUDIT PRIVILEGE SUBCOMMITTEE - MEETING SUMMARY**

Meeting Date: August 20, 1998  
Meeting Time: 1:00 P.M.  
Meeting Place: State House, 200 W. Washington St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 3

Members Present: Sen. Beverly Gard, Chair.

Members Absent: John Walker.

Sen. Gard, Chair of the Environmental Quality Service Council's Triennial Review and Audit Privilege Subcommittee, called the meeting to order at 1:10 p.m.

Subcommittee members and interested parties made the following comments about the triennial review rule-making process:

- The rule addresses a number of issues that could be divided into separate rules.
- If the rule is divided into separate rules, the separate rules should be promulgated sequentially, not concurrently.
- Adding new issues to the rule sets the process back.
- Standards should not be separated from permit provisions in the rule.
- The Indiana Department of Environmental Management (IDEM) needs to make sure this rule-making occurs every three years.
- Not every stakeholder is represented (e.g. farmers).
- The economic analysis needs to be completed earlier in the process.

- The economic analysis does not really reflect reality.
- The economic analysis should look at the impact on user fees.
- IDEM needs to get more data from the regulated community for the economic analysis.
- IDEM needs to clarify what it is trying to achieve with the rule, which would help with the economic analysis.
- There needs to be more time to read and react to packets sent to the board.
- It would be helpful if the changes made from one version of the rule to the next were redlined.
- IDEM should indicate which sections of the rule are definitely required by the federal government and which are state policy.
- The attendance of higher level staff at meetings changes the dynamic of the rule-making work group meetings.
- IDEM should put together a small group of knowledgeable and interested individuals to develop an initial rule to be used as a starting point.
- Some of the standards in the rule are vague.

Sen. Gard questioned whether IDEM has given any serious thought to how to change the rule-making process. Matt Rueff, Assistant Commissioner with IDEM's Office of Water Management, responded that IDEM has considered creating a standing advisory group that IDEM can take non-rule policy issues to in the future. In addition, Mr. Rueff mentioned that IDEM has had some discussions on taking some issues out of the rule, but have not moved forward yet. Mr. Rueff also mentioned that IDEM is planning to talk to the Indiana Economic Development Council regarding the economic analysis of this rule in the near future.

Subcommittee members and interested parties mentioned the following policy issues that need further discussion:

- the need for legislation for tiered permits and combined sewer overflows.
- who should make decisions on special designations.
- anti-degradation.
- the adequacy of Indiana water quality data.
- assumptions on how safe is safe.

Sen. Gard indicated that she would give a report on the recommendations regarding the rule-making process at the next full Environmental Quality Service Council meeting.

Sen. Gard adjourned the meeting.